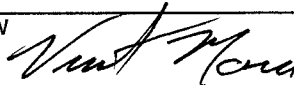


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Sheriff's Dept. /An. Serv.		(2) MEETING DATE July 25, 2006		(3) CONTACT/PHONE Eric Anderson / 781-4400	
(4) SUBJECT Introduction of an ordinance ammendment: 9.17.010 to 9.17.050 – Prohibition of the Feeding of Wildlife					
(5) SUMMARY OF REQUEST It is requested that the attached ordinance, <i>9.17 Prohibition of the Feeding of Wildlife</i> , be introduced on July 25, 2006 with a public hearing on August 1, 2006. The proposed ordinance seeks to prevent the artificial support of wildlife populations which can result in the creation of both wildlife nuisances and public health and safety concerns.					
(6) RECOMMENDED ACTION It is recommended that the Board of Supervisors introduce the attached ordinance and direct the Clerk to set a public hearing and action on August 1, 2006.					
(7) FUNDING SOURCE(S) Animal Services Operating Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? No      Yes      N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): United States Department of Agriculture – Wildlife Services, California Department of Fish and Game, University of California Cooperative Extension, San Luis Obispo County Agricultural Liaison Advisory Committee					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF?    No      Yes, How Many? _____ Permanent _____    Limited Term _____    Contract _____    Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All		(14) LOCATION MAP Attached    N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board N/A	
(16) AGENDA PLACEMENT Consent      Hearing (Time Est. _____) Presentation      Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS Resolutions (Orig + 4 copies)    Contracts (Orig + 4 copies) Ordinances (Orig + 4 copies)      N/A			
(18) NEED EXTRA EXECUTED COPIES? Number: _____    Attached    N/A		(19) BUDGET ADJUSTMENT REQUIRED? Submitted    4/5th's Vote Required    N/A			
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____		(21) W-9 No      Yes		(22) Agenda Item History N/A    Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW 					

7-25-06  
B-2



**Patrick Hedges**

**Sheriff-Coroner**

P.O. Box 32

San Luis Obispo, CA 93406

**San Luis Obispo County Sheriff's Department**

**TO:** BOARD OF SUPERVISORS

**FROM:** PATRICK HEDGES, SHERIFF-CORONER

*PH by Stan Bales*

**DATE:** JULY 11, 2006

**SUBJECT:** INTRODUCTION OF ORDINANCE 9.17.010 – PROHIBITION OF THE FEEDING WILDLIFE

**RECOMMENDATION:** It is recommended that the Board of Supervisors introduce the attached ordinance and direct the Clerk to set a public hearing and action on August 1, 2006.

**DISCUSSION:** As the population of San Luis Obispo County has grown, the frequency of wildlife related problems and conflict has increased, particularly in those regions where urban environments interface with relatively undeveloped areas which provide natural wildlife habitats.

Multiple factors contribute to the development of such conflict. Primary among these factors, however, is the contribution of human behaviors – both inadvertent and intentional. For example, the provision of salt licks and food for deer attracts these animals into residential areas in greater numbers, and for longer periods of time than normal. Similarly, other animals may also be attracted unintentionally when pet food is left outside overnight.

Once wildlife have been attracted to an area, the potential for development of nuisance problems as well as public health and safety concerns has been created. As animals which are prey in their natural habitat, attraction of deer can be expected to be accompanied by their primary predator, mountain lions. The public safety consequences of indirectly attracting mountain lions into areas of human habitation are clear.

Smaller animals such as raccoons, skunks, and opossums are also attracted through both intentional and unintentional feeding and provision of nesting areas. This attraction results in the creation of nuisance problems, damage to property, and adverse encounters with domestic animals. In addition, the likelihood of exposure of both people and animals to diseases of public health concern, particularly rabies, is increased by the attraction of these animals into areas of human habitation.

Options for controlling these nuisance and public safety problems once they have developed are limited and generally result in the depredation or death of the animals involved. By curtailing the feeding and attraction of wildlife into areas of human habitation before problems develop, this proposed ordinance seeks to mitigate the effects of such behavior.

**OTHER AGENCY INVOLVEMENT:** This proposed ordinance was developed with consideration and input from California Department of Fish and Game, United States Department of Agriculture Wildlife Services, University of California Cooperative Extension, the Agricultural Liaison Advisory Committee, and the Animal Protection Institute.

**FINANCIAL CONSIDERATIONS:** It is anticipated that education regarding, and enforcement of, the proposed ordinance can be achieved within the existing budget and no

*B-2*

**Area Code:**  
(805)

Administration  
781-4540

Animal Services  
781-4400

Civil  
Enforcement  
781-5484

Crime  
Prevention  
781-4547

Custody  
781-4600

Detectives  
781-4500

Patrol  
781-4550

Coast Station  
528-6083

Dispatch  
781-4550

North Station  
237-3000

South Station  
473-7100

Watch  
Commander  
781-4553

Permits  
781-4575

Property  
781-4533

Records  
781-4140

Warrants  
781-4588

additional funds are expected to be necessary.

**ATTACHMENTS:** Proposed ordinance 9.17 – Prohibition of the Feeding of Wild Animals.

PH/EPA/epa

B-2  
3

Ordinance No. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO  
PROHIBITING THE FEEDING OF WILD ANIMALS

The Board of Supervisors of the County of San Luis Obispo, State of California, does ordain as follows:

San Luis Obispo County Code Title 9 – *Animals* is hereby amended by addition of a new Chapter, 9.17 – *Prohibition of the Feeding of Wild Animals* to read as follows:

**9.17.010 Intent**

In areas where urban environments and human habitation interface with natural wildlife habitats, conflict between people and their domestic animals and wildlife may develop. While multiple factors may contribute to the development of such conflicts, the feeding of wildlife, both intentional and inadvertent, is a primary cause.

The attraction of wildlife into inhabited areas creates public health and safety concerns and may result in nuisance problems, property damage, adverse encounters with domestic animals, and depredation or death of the wild animal.

By educating the public about the consequences of attracting and supporting wildlife populations in inhabited areas and by restricting such activity the potential for development of human-wildlife conflict can be mitigated.

**9.17.020 Definitions**

- (a) "Agricultural operation" means activities necessary for the commercial growing and harvesting of crops, raising of livestock or poultry, or livestock products or poultry products.
- (b) "Attractant" means any substance which could reasonably be expected to attract a wild animal or does attract a wild animal, including but not limited to, garbage, food products, pet food, feed, grain or salt.
- (c) "Domestic Animal" means an animal of a species or breed whose life cycle, physiology, or behavior has been intentionally modified through selective breeding. This includes, but is not limited to, non-native birds, dogs, cats, hamsters, guinea pigs, non-native rabbits, non-native reptiles or other animals normally kept as companion animals or livestock.
- (d) "Feral cat" means a cat without owner identification of any kind whose usual and consistent temperament is fear and resistance to contact with people. A feral cat is unsocialized to people.

B-2  
4

- (e) "Livestock" means an animal of a species or breed normally raised in an agricultural setting for the production of food, fiber, or labor. This includes, but is not limited to, cattle, donkeys, emus, horses, goats, mules, ostriches, ponies, sheep, swine, and all other domestic or domesticated animals other than household pets.
- (f) "Native" means an animal which is considered part of the normal, indigenous, and natural fauna of the state of California.
- (g) "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate or any other legal entity, and any officer, member, shareholder, director, employee, agent or representative thereof.
- (h) "Poultry" means domestic chickens, doves, quail, turkeys, and other members of the Order Galliformes provided that such birds are confined with an enclosure which is structurally sound, prevents their escape, and prevents the entry of other animals.
- (i) "Wild animal" means any animal which is not normally domesticated in this state, including but not limited to, bats, bears, native birds, coyotes, deer, foxes, native lagomorphs, mountain lions, opossums, raccoons, rodents, skunks.

#### **9.17.030 Prohibitions**

- (a) No person shall feed or in any manner provide an attractant to any wild animal.
- (b) No person shall leave, store, or maintain any attractant in a manner, area, or location accessible to any wild animal.

#### **9.17.040 Exceptions**

- (a) The prohibitions of this act shall not apply to:
  - (1) Any person who is the legal owner of a wild animal and the wild animal is kept in compliance with all applicable federal, state and local laws.
  - (2) Any person who feeds or provides food to a trapped, injured or unweaned wild animal between the time that the agency in charge of animal control or its designated agent is notified of the wild animal and the wild animal is picked up by the agency or designated agent.
  - (3) Any person engaged in a wildlife management or rehabilitation program under the direction or authority of a local, state or federal regulatory agency.
  - (4) Any person with a bird feeder provided the feeder is suspended on a cable or other device to make it inaccessible to other wild animals, and the area below the feeder is kept free from the accumulation of seed debris.

10-2/5

- (5) Any person or organization providing food for feral cats provided that they are concurrently engaged in an active trap-alter-release program.
- (6) Any agricultural operation which, in the course of their business, produces a crop or makes available to livestock or poultry any substance which would otherwise constitute an attractant.
- (7) Any person who, in the keeping of non-commercial livestock or poultry, makes available a substance which could constitute an attractant, provided that reasonable efforts are made to reduce the potential for attraction of wild animals into areas of human habitation.
- (8) The use or application of pesticides or poisons provided that such use conforms to all other applicable federal, state and local laws.

**9.17.050      Enforcement**

- (a) The animal control authority, its staff, its agents, or local law enforcement agents are authorized and empowered to enforce the provisions of this act.
- (b) Any person who after written notice, violates, or who upon the demand of the division, refuses or neglects to conform to the provisions of this chapter, is guilty of an infraction.

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED AS TO FORM AND  
CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

B-2  
6